

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAMUEL AVENDANO-PEREZ,

Defendant.

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8:15CR271

ORDER

This matter is before the court on the motion to continue by defendant Samuel Avendano-Perez (Avendano-Perez) (Filing No. 26). Avendano-Perez seeks a continuance of the trial of this matter which was scheduled for December 14, 2015. Avendano-Perez's counsel represents Avendano-Perez will file an affidavit whereby Avendano-Perez consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Avendano-Perez's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Avendano-Perez's motion to continue trial (Filing No. 26) is granted.
2. Trial of this matter is re-scheduled for **January 25, 2016**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 8, 2015, and January 25, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 8th day of December, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge